

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 217.6, the Department of Human Services proposes to amend Chapter 177, “In-Home Health Related Care,” Iowa Administrative Code.

The proposed amendment provides that a physician assistant or an advanced registered nurse practitioner working under the direction of a physician may certify a prospective care provider’s ability to provide services under the State Supplementary Assistance in-home health related care program. Currently, the rules provide that the certification must be made by a physician. To prevent a conflict of interest, the amendment also provides that if the provider is working for an agency, the health practitioner who provides the certification may not be in the employ of the same agency.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendment on or before May 11, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 249.3(2)“a”(2).

The following amendment is proposed.

Amend subrule 177.5(2) as follows:

177.5(2) ~~Physician’s report~~ Health assessment. ~~The provider shall obtain a physician’s report at the time service is initiated and annually thereafter. The report shall be on Form 470-0672, Provider Health Assessment.~~ The provider shall obtain certification that the provider is physically and emotionally capable of providing assistance to another person who may have physical and emotional limitations.

a. The certification shall be based on an examination performed by a physician or by a physician assistant or advanced registered nurse practitioner who is working under the direction of a physician. If the provider works for an agency, the practitioner performing the examination may not be employed by the same agency.

b. The practitioner conducting the examination shall indicate the certification by signing Form 470-0672, Provider Health Assessment.

c. The certification shall be submitted to the department service worker:

(1) Before the provider agreement is signed, and

(2) Annually thereafter.